

WORDS TAKEN DOWN:

**THE HISTORY, EVOLUTION AND
PRECEDENTS OF AN
IMPORTANT HOUSE RULE**

**By Robert H. Michel
House Republican Leader**

The premier arena for rough-and-tumble, ideological and intellectual public policy debate is the U.S. House of Representatives. Despite the reputation of the Senate as the "debating" society, it is in the House where passions and fiery rhetoric are continually ignited.

The messages of the combatants are delivered in a variety of ways on the House Floor. One-minute speeches, usually reserved for the beginning of each session, require Members of Congress to pack their punches in short catch-phrases. Debates on legislation and amendments are similarly limited, because of the large number of Members and the need to keep the legislative process moving. Special orders, blocks of time reserved after legislative business, allow Members the time to fully explore certain subjects for the public.

The House, with its ethnic and cultural diversity, debates issues with a passion not seen in the other body. Unlike the Senate, the House speaks directly to "the people." And with the many very controversial issues in our society of today, including abortion, the capital gains tax cut, the economy, health care and others, the rhetoric can and does get very heated.

The challenge is to keep the debate within the bounds of civility in the House. With frayed emotions and partisan sniping, the temptation to launch into personal attacks is very strong indeed. To keep the House of Representatives an effective legislative body, the House uses a procedure known as "words taken down." The importance of this procedure cannot be underestimated, for indeed, it is sometimes the only parliamentary device available for keeping the House in order.

"Words taken down," is the most direct method to stop a member from uttering words which impugn the motives of certain other members, are offensive, or are otherwise deemed unparliamentary.

Thomas Jefferson adapted this rule from the English House of Commons . Section 360 of Jefferson's Manual clearly prohibits the use of "indecent language against the proceeding of the House," and section 368 defines the procedure used to take those words down.

In the early days of the House, the Clerk, when so directed, read the words taken down back to the offending Member. If the Member denied uttering the words, the House was forced to vote on whether he said them or not. If the House agreed with the objecting Member, the offending Member was given the opportunity to justify the words, explain why he used them, or apologize. If the involved Members insisted, the House voted to express its stand on the issue.

Two rules from Jefferson's day remain unchanged. First, "when any Member has spoken, or other business intervened, after offensive words were spoken, they cannot be taken notice of for censure." This requirement makes it more difficult for Members, not present for the actual uttering of the words, to come to the Floor and demand that words be taken down.

Second, the Chairman of the Committee of the Whole House on the State of the Union cannot judge words taken down. "Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion." According to the dictionary, animadversion means a critical or censorious remark. This rule preserves the Speaker's authority to decide what is and isn't a disorderly word.

Unlike the House of Representatives today, House of Commons tradition gave the Speaker more authority to delay the "words taken down" procedure if he thought the words were not disorderly. Also in the House of Commons, disorderly words were not objected to until after the offending Member finished his statement. Then and only then, it was the responsibility of the objecting Member to repeat the offensive words, which the Clerk wrote down as ordered by the Speaker. Clearly, the earlier English tradition made the taking down of words a bit more challenging than the present day House of Representatives.

The tradition of taking words down has had many defining moments in House of Representatives. By 1808, demanding that words be taken down had become a relatively common practice, despite the absence of an exact procedure. On February 24, 1908, John Smilie of Pennsylvania offered a rule providing that

objectionable words might be taken down at the time they were uttered. That rule was not adopted, but later that session Speaker Varnum asked that one objecting Member put down in writing the words he objected to. This started the custom of taking words down in writing.

Another defining moment came in the tumultuous 1830's. In 1832, William Stansburry of Ohio accused the Speaker of the House of trying to wrestle control from the President Andrew Jackson. The next day, a resolution was offered to censure Stansburry for his attack on the Speaker. John Quincy Adams, the former President and bitter rival of Andrew Jackson, interestingly enough refused to vote on the resolution to censure Stansbury. He based this refusal on the fact that the words had been uttered the previous day and had not been objected to at the time they were uttered. For his principled stand against the resolution, Adams' colleagues suggested censuring Adams.

Tired of this partisan foolishness, and hoping to instill some order where chaos reigned, Adams proposed a new rule defining the procedure of taking offensive words down:

If a Member be called to order for words spoken in debate, the person calling to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table, and no Member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other Member has spoken, or other business has intervened after the words spoken, and before exception to them shall have been taken.

Five years later, this rule was finally adopted. In 1880, this rule was changed by amendment to achieve the form it has today. This new rule is:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer nor be subject to the censure of the House there, if further debate or other business has intervened. **House Rule XIV, clause 5.**

The next precedent in the evolution of the words taken procedure also involved John Quincy Adams. On January 22, 1836, Charles Mercer of Virginia called Adams to order during a debate on an appropriations resolution. Adams denied using the words excepted to, and the question was put to the House. The House decided in the negative and allowed Adams to proceed. The precedent following this decision is : **When a Member who has been called to order in debate denies that the words taken down are the exact words used by himself, the question as to the words is put to the House for decision.**

The next step in this evolving definition occurred on August 27, 1890. During a debate on approving the Journal, Benjamin Ehloe of Tennessee made a point of order that words used by Joseph Cannon were not in order, and demanded that they be taken down so far as they applied to William McAdoo of New Jersey, and read to the House. The Speaker overruled the point of order, on the grounds that the demand came too late, debate having intervened subsequently to the words excepted to. The Speaker further held that under Rule XIV, clause 4 and 5, the Member who it was alleged had transgressed the rule of the House must be called to order and the words excepted to indicated, which had not been done in this instance. An appeal of the Chair's decision failed by a vote of 103 to 78. The subsequent precedent is: **The demand that disorderly words be taken down must be made at once before debate intervenes.**

The year 1894 was extremely important in the evolution of the word taken down procedure. On February 2, 1894, the House considered a report from the Rules Committee, and T.C. Catchings of Mississippi had the Floor, when Charles Boutelle of Maine demanded that certain words of Catchings be taken down. The Clerk read the words as follows:

Now, Mr. Speaker we did not submit it to the gentlemen from Maine (Boutelle) because we knew in advance that nothing would receive his approval that did not give him free range to perform his fantastic and Bedlamite gyrations on the Floor.

Boutelle made the point that the language was not in order.

At that moment, Benton McMillen of Tennessee moved that Catchings be permitted to proceed in order. Pending the vote on agreeing to this motion, W.C.P. Breckinridge made the point that, until it was decided that the language taken down was a transgression of the rules, the motion that he be permitted to proceed was unnecessary and premature.

The Speaker accepted Breckinridge's argument, but stated that since no one had objected to McMillen's motion, and since the House was already dividing on that question, the vote would proceed. McMillen's motion was then agreed to, and Catchings was allowed to continue his remarks.

Later in the debate, Boutelle again demanded that Catchings words be taken down. The Clerk read the words: "In common with many other gentlemen on the Floor, I have regarded him as afflicted with a species of harmless mania for making on all occasions an exhibition of himself."

The Speaker agreed with Boutelle that the language was "hardly parliamentary." Joseph Outhwaite of Ohio moved that Catchings be permitted to proceed in order. Serano Payen of New York, pending Outhwaite's motion, made a point of order that the question should first be taken permitting Catchings to explain his remarks. The Speaker agreed that the proper motion should be that the gentleman be permitted to explain. Catchings then explained his remarks, and then was permitted to proceed.

The precedent was thus established that: The words of a Member having been taken down, and the Speaker having decided that they were not in order, it was held that a motion that the Member be permitted to explain had precedence over a motion that he be permitted to proceed in order.

Three days later, on February 5, 1894, the House proceeded to the consideration of the resolution relating to Hawaiian affairs. During the debate, Joseph Outhwaite demanded that certain words of Elijah A. Morse of Massachusetts, be taken down:

On the other side are not only white men and women, but nearly or quite all of the virtuous and intelligent white people of the islands, And yet, strange to tell, that at the command of their master, the great Grover Cleveland, the cuckoos in the House and in the Senate, staunch Southern Democrats--

Outhwaite made the point of order that Morse's language was out of order, and the Speaker agreed with that assessment. On a motion of Julius C. Burrows of Michigan, Morse was permitted to explain his remarks. The precedent evolved from this encounter is: **A member called to order in debate must take his seat although he may be permitted by the House to proceed in order or explain, even after his words have been taken down.**

Eleven days later, on February 26, 1894, Lafe Pence of Colorado was speaking on a question of personal privilege when Eugene Hainer demanded certain of Pence's words be taken down.

These words were:

I do not think the gentleman from Oregon has made any statement, taken any action, or cast any vote on his own hook from the beginning of the session last August.

Hainer made the point of order that Pence's language was out of order. The Speaker agreed, and Pence was allowed to proceed. The precedent from this episode is: **Words spoken being held out of order, and the House having permitted the Member to explain, it is then in order to move he be permitted to proceed.**

From these precedents and from the traditions of English Common law as adapted by Thomas Jefferson, the House of Representatives today has a definite procedure when words are asked to be taken down. The Member who makes the initial objection must indicate the words objected to, but if other business has intervened such an objection is not in order.

The Member who is called to order is required to take his seat, unless permitted to proceed in order by the House. Once required to take his seat because of unparliamentary language, the Member can only proceed with the consent of the House. That Member, though

can be recognized to ask unanimous consent to withdraw his words. The business of the House is suspended until the words taken down are reported to the House, and similarly, the business in the Committee of Whole is suspended until the words objected to in the Committee are reported to the House.

All of the words objected to in Committee must be reported to the House, as the Speaker can rule only on the words as reported. Any demands that additional words be reported are not in order in the House.

After the Speaker has ruled on words taken down in Committee, the House automatically resolves into the Committee of the Whole. Where the Speaker has ruled upon words taken down, and has ordered the Committee to resume its sitting, a point of order that there is no quorum in the House comes too late and is not in order.

A demand that words be taken down is in order only if made in a timely manner. The demand should be made immediately after the words are uttered. Where debate has intervened, the demand comes too late. In determining whether the words are unparliamentary, the Speaker's determination is based on the words taken down, and pending his decision, debate on or interpretation of those words is not in order. A Member called to order because of words spoken in debate must take his seat and may not proceed to explain his utterance or his intention without the permission of the House. Although words objected to in debate may be withdrawn pursuant to a unanimous-consent request, no debate is in order pending such a request. However, the offending Member may, by unanimous consent - or on a motion by another Member - be permitted to explain his words.

While a demand that words be taken down is pending, the Speaker may refuse to entertain a parliamentary inquiry or a unanimous consent request that a Member be allowed to proceed for one minute. The Chair may decline to rule, in advance of a speech to be given under a special order, whether the announced topic for the speech is parliamentary. A demand in the Committee of the Whole

that words be taken down may be withdrawn by the Member making the demand, and unanimous consent is not required.

Words objected to in debate in the House and in the Committee of the Whole may be withdrawn by unanimous consent. Even after a Member's words have been taken down on demand and read to the House, the Speaker may recognize unanimous consent to withdraw or modify the words. Where a Member objects to unparliamentary remarks delivered in debate in Committee of the Whole, but does not demand that the words be taken down, it is appropriate for the Chairman to direct that Members proceed in order.

When the Speaker has ruled that words used in debate are in order pursuant to a demand that the words be taken down, the words may be stricken from the Record with the consent of the House, and the Member using the words may not demand that the words remain in the Record.

A motion to strike from the Record certain words reported from the Committee of the Whole is in order where the Speaker has held the words unparliamentary. It is then in order to offer a motion that the Member whose words were ruled out be permitted to proceed in order. Such a motion is privileged and is not subject to debate.

Like the evolution of procedure, the way in which the Speaker rules on particular words taken down has evolved. However, certain principles have remained constant. Included among these principles is the specificity of the attack. If, for instance, a Member attacks the Congress in general, he is still within the bounds of parliamentary language. If, however, he attacks the motives of a specific Member, his words are liable to be taken down, and ruled out of order.

A list of examples is probably the best way to illustrate the principles used by the various Speakers in determining what is and what is not parliamentary language. These cases were drawn from the Journals of the House in the Questions of Order Section.

According to the Rules of the House, the Clerk is required to "note all question of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session (Rule 3 Section 641)

Here are these cases:

On February 7, 1935, Mr. Tinkham of Massachusetts stated that the Speaker *dishonestly* resolved the House into the Committee of the Whole House on the state of the Union, and that he *repudiated* and *ignored* the rules of the House. Speaker pro tem O'Connor ruled the words to be out of order.

On July 2, 1935, Mr. Maverick of Texas said, "I *do not believe* a word the gentleman from Maine said." Speaker Byrns held these words to be in order.

On July 16, 1935, Mr. Fish of New York accused another member of being a "*snoop*." Speaker Byrns ruled this word to be out of order.

On July 23, 1935, Mr. McCormack of Massachusetts uttered, "Whether he intended it or not, [he] is *guilty of that crime*," referring to the other Member's alleged unwarranted attacks and arguments. Speaker pro tem O'Connor held these words to be in order under the particular circumstances.

On February 11, 1936, Mr. Blanton of Texas said: "It is *asinine* to contend that anyone must tell," another Member what to do. Speaker Byrns ruled this statement to be in order.

On March 9, 1936, Mr. Blanton again uttered words which were taken down. Replying to another Member, Blanton stated: "Here is the answer if the gentlemen *can understand English*." Speaker pro tem O'Connor ruled the words to be in order.

On March 23, 1936, Mr. Schulte of Indiana stated: "One or two men want to carry on a filibuster, opposed to the people of the District of Columbia receiving some relief. They are today being *gouged* by real estate men. I wonder if the *sinister influences* are working to the best interest of these gentlemen."

Speaker Byrns ruled these words to be in order.

On January 13, 1937, Mr. Rich of Pennsylvania referred to the *proceedings in the Senate* in a statement on the House floor, which was held by Speaker Bankhead to be out of order.

On May 25 of 1937, Mr. Beiter of New York read a letter from a *Member of the Senate*. Chairman O'Connor, on his own initiative, interrupted this action, and held it out of order.

On March 31, 1938, Mr. Ford of California inquired of the Chair, "Is it a parliamentary inquiry to ask that the bill be printed in words of *one syllable* so that the Republicans can understand it?" These words were taken down, but Speaker Bankhead ruled them to be in order.

On March 16, 1939, Mr. Rankin of Mississippi stated: "I will tell you what is behind all this--you need not camouflage it--the *Power Trust* that paid a lot of campaign expenses last year. That is what it behind it." Speaker Bankhead ruled the words to be in order, since they were not a reflection on any Member of the House.

On June 1, 1939, Mr. Massingale of Oklahoma stated: "Somebody is going to have the idea that the action of that committee was more or less *pusillanimous*." Speaker Bankhead ruled the words to be in order.

On February 1, 1940, Mr. Hook having been recognized for a unanimous consent request, and after stating said request Mr. Keefe reserved the right to object, and while addressing the House, Mr. Hook made objection to certain words uttered by Mr. Keefe and demanded that said words be taken down. The said words were taken down and read at the Clerk's desk as follows:

I do not propose to leave this Record stand and have word go out to the country that this Record has been expunged, but that there is still doubt as to a *conspiracy* and as to the *untruth* of these remarks contained in the gentleman's speech.

The Speaker pro tempore said:

Inasmuch as the gentleman from Wisconsin has said that he did not refer to the gentleman from Michigan as being a

conspirator, or did not accuse him of being a part of a conspiracy, the Chair rules that the words objected to are not out of order.

On February 15, 1940, the House was in Committee of the Whole House on the State of the Union for consideration of the bill H.R. 8438 making appropriations for the Navy Department, and after some time spent therein, the Speaker resumed the chair.

Then Mr. Bland, Chairman, reported that during consideration of said bill in Committee certain words used in debate were objected to and upon request were taken down and read at the Clerk's desk.

The Clerk read the words:

As I say, he is a pretty smart fellow; and after all, he has not been president of the *Demagog Club* for 8 years for nothing, without learning how to take care of his perogatives as far as publicity is concerned.

The Speaker ruled the words out of order, and said"

Rule XIV, paragraph 1, reads as follows:

When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to under debate, avoiding personality."

This, the Chair really thinks, is pretty close question, but the Chair feels constrained to hold that in the language the gentleman used he did not avoid personality.

On motion of Mr. Bradley of Pennsylvania, by unanimous consent, he was granted permission to withdraw from the Record the words objected to.

On March 1, 1940, Mr. Hoffman, pursuant to a special order agreed to on February 27, 1940, was recognized by the Chair, and during the course of his remarks, Mr. Hook demanded that certain words be taken down.

The words were taken down as follows:

I presume they want to pile up such a mountain of damaging testimony against that Board and the unfairness of the law so that even the gentleman from Michigan, who never can tell whether a document has been *forged* or whether it has not...

The Speaker held said word to be out of order, and said:

The rule on the conduct of Members in debate is that a Member, on being recognized, may address the house from any place on the floor or from the Clerk's desk and shall confine himself to the question under debate, avoiding personality. The Chair is of the opinion that the phrase used by the gentleman in connection with statement in reference to his colleague the gentleman from Michigan, [Mr. Hook], 'who never can tell whether a document has been forged or whether it has not,' transgresses the rule and is a personality.

Mr. Hook moved that said words be expunged from the Record.

Mr. Schafer of Wisconsin moved to lay that motion on the table.

The question being put. Will the House lay said motion on the table? On a division there appeared - yeas 27, nays 35.

So the House refused to lay said motion on the table. The question being put on the motion to expunge said words, said words objected to were withdrawn from the Record.

On May 6, 1940, Mr. Anderson of Missouri read into the record an editorial charging that, "*Unadulterated self-seeking politics* cast the vote that *pigeon-holed* the supplementary Hatch measure in the House Judiciary Committee, Wednesday. Election-year jitters had solons by the *napes* of their necks. Rather than risk crippling State machines they chose to sink a harpoon into this excellent Government reform." These words were ordered taken down, but Speaker pro tem Cooper ruled them in order, as they did not reflect on the personal conduct of any member.

On June 14, 1940, Mr Sabath of Illinois stated that certain insertions into the Record by another Member were "taken from *Nazi* elements who are *feeding you* with that stuff." Speaker pro tem O'Neal held the words to be out of order.

On October 1, 1940, Mr. Schafer of Wisconsin, stated: "God knows our *half-baked nitwits* who are handling the foreign affairs have been carrying on a course of conduct which inevitably will plunge us into the new European war." Speaker pro tem Cooper held the words to be in order, since it reflected on persons in the Executive Branch and not Members of the House.

On February 8, 1941, Mr. McCormack of Massachusetts stated: "The Gentleman from New York who was leading the Republican Party in the policy of *opportunism* that is being engaged in, in connection with a bill serious to the fate of our country relating to our national defense." Speaker Rayburn held this statement to be in order, since it was not reflection on the integrity of Members.

On February 11, 1941, Mr. Dickstein of New York stated: "*110 Fascist organizations* in this country had the back key and now have the *back key to the back door of the Dies Committee*." Speaker Rayburn held this statement to be out of order since it impugned the motives and actions of a committee and the individual Members thereof.

On February 18, 1941, Mr. Hoffman of Michigan said, "You are going to *skin* us." Speaker Rayburn held this to be in order, as it was merely a colloquialism which does not reflect on any Member.

On May 6, 1941, Mr. Luther Johnson of Texas said, "If everybody would talk as *loosely* as some of these opponents of the administration measures that they are carrying on, it is no wonder there is confusion." Speaker Rayburn held this statement in order, saying it was merely an expression of opinion which mentioned no Member by name.

The year 1942 demonstrates this principle very well. On February 26, 1942, certain words of Edward Cox, a Democrat from

Georgia, were objected to and taken down. The Clerk read the words taken down as follows:

We are already living under a *labor government*, rapidly heading into a *labor dictatorship* which, if not unchecked, will soon run into *labor despotism*.

The Speaker ruled the words to be in order, and said:

Whatever might be the opinion of anybody who occupies this place, the present occupant would think that it would be going very far, even though the words were harsh, if Members were precluded from expressing an opinion with respect to a Government tendency. The Chair sees only in these words the expression of an opinion by the gentleman from Georgia, and therefore feels constrained to hold that they are unparliamentary.

It also helps to be vague, as Eugene Hoffman, a Republican from Michigan found out when he found when he demanded that words of Anthony Marcantonio, a member of the American Labor Party from New York, on March 7, of 1942.

These words were, "I say that on the basis of this record, since the gentlemen from Texas raised the question here of *dereliction* of duty, I say that *dereliction in this matter rests at the doorstep of the committee*."

The Speaker ruled the words to be parliamentary, and said, "The Chair thinks that if he were to hold upon as fine a point as that, at some time free debate in the House of Representatives might cease. The Chair holds that the language does not violate the rules of the House."

Contrast these rulings with more personal attacks later that year. On November 2, 1942, John Rankin, a Democrat from Mississippi demanded that the words of Harold Knutson, a Republican from Minnesota, be taken down. The words were, "I cannot believe that the gentleman from Mississippi is *sincere* in what he has just said."

The Speaker agreed with Rankin that the words were out of order. In his ruling he stated:

The Chair is of the opinion that the words complained of, in effect, accuse the gentleman from Mississippi of insincerity and constitute a personal attack on the sincerity of the gentleman from Mississippi and are in violation of the rules of the House."

This ruling would later play a part in another determination by the Chair about words objected to and taken down.

On March 31, 1943, Mr. McMurray of Wisconsin asked the question: "Did the gentleman's committee also find *paid agents of Hitler* on the Congressional payroll?" Speaker pro tem Whittington held the words to be in order.

On May 4, 1943, Mr. Knutson of Minnesota said, "I do not yield to any more *demagogues*." Speaker Rayburn ruled the words to be out of order.

On December 10, 1943, Frank Keefe, a Republican from Wisconsin, demanded that the words of James McGranery, a Democrat from Pennsylvania, be taken down. These words were: "The gentleman from Michigan, it appears has been somewhat *involved* with these *spies* in the grand jury investigation conducted here in the District of Columbia.

McGranery, not waiting for the Chair to rule, withdrew his remarks by unanimous consent.

On December 15, 1943, Mr. Marcantonio stated, "The gentleman from Mississippi saw fit to make an *attack* on the President's Committee for Fair Employment Practices," etc.. "as well as his *attack* on the attempt to enfranchise the men in American uniform on what he deemed the philosophy of Thomas Jefferson." Speaker Rayburn ruled this to be in order.

On December 20, 1943, Mr. Sabath of Illinois said, "I did not care whether it was my bill, his bill, or any bill, but a bill that will give them (men in service) the right to vote and not a bill that will *deprive*

them of that privilege as the gentleman from Mississippi is trying to do." Speaker pro tem McCormack held these words to be out of order.

On January 21, 1944, Mr. Bloom of New York stated: "Do not try to give the message that 'I want to save the people of India.' Let us be *sincere and honest* about this thing." Speaker Rayburn ruled the words to be in order.

On February 3, 1944, Mr. Cooley of North Carolina stated: "I think it is a *disservice* [to servicemen] to cut off debate on an important debate. Speaker Rayburn ruled the statement to be in order.

On February 22, 1945, Mr. Hook of Michigan referred to another Members as either a "*God Damn liar*," or as a "*dirty liar*." Speaker pro tem Ramspeck ruled the words to be out of order.

On April 30, 1945, Mr. Rankin of Mississippi asserted that another Member had a *record*, "*a long time back with both the Dies Committee and the F.B.I.*" Speaker Rayburn ruled the words to be out of order.

On October 24, 1945, Rankin referred to another Member as the "*Jewish Gentleman* from New York." Speaker Rayburn did not order the words stricken, but advised the Member he should refer to another merely as the "*Gentleman* from New York," and told the Member to proceed in order.

On October 25, 1945, Mr. Cox of Georgia referred to another when he said, "I was reminded that pretexts are never wanting when *hypocrisy* wishes to add *malice* to *falsehood* or *cowardice* to stab a foe who cannot defend himself." Speaker Rayburn ruled the words to be out of order.

On November 15, 1945, Mr. Biemiller of Wisconsin stated that *Abraham Lincoln was a Communist*. Speaker Rayburn held this statement to be in order.

On January 29, 1946, Mr. Celler said, "If Senators in a moment of *aberration* approve such language, I do not approve of it." Speaker Rayburn ruled the words to be out of order, since they referred to the actions of the other body.

On January 31, 1946, Mr. Celler said: "The Case bill does return to those very *dark and murky days*; and, to quote the Bible, 'Would they be like a fool who returneth to his folly, or a *dog that returneth to his vomit*.' " Speaker Rayburn ruled this statement to be in order.

On February 12, 1946, Mr. Rankin of Mississippi stated, "I am not going to sit here and listen to these *Communistic attacks* made on me." Speaker Rayburn held these words to be out of order.

On February 20, 1946, Mr. Tarver of Georgia said, "There is not a lawyer in America who is *worthy to be called a lawyer* but who knows that the adoption of this language neither adds to nor takes from a single item of the substance of this bill." Speaker Rayburn ruled this statement to be in order.

On February 27, 1946, Mr. Rankin of Mississippi stated, "This is the *communist line*, Mr. Speaker, that is being followed by these *enemies of our country* in their attacks on the Committee on Un-American Activities." Speaker Rayburn held this statement to be in order, because Rankin was not referring to any Member of the House.

On March 28, 1946, Rankin again had his words taken down. He had said, "I have just seen in the *Communist Daily Worker* that Mr. Biemiller had written these words 'there is no place in our democracy for a committee like the present one' referring to the Committee on Un-American Activities yet he goes into the *Communist Daily Worker* that everybody knows is dedicated to the destruction of this Government." Speaker Rayburn ruled this statement to be in order.

On April 5, 1946, Rankin said, "If I were a *Negro* I would want to be as black as the ace of spades, and I would not be running around here trying to play tennis on a *white man's* court. I would go

with other *Negroes* and have the best time in my life." Speaker Rayburn ruled the words to be in order, since they did not reflect on any Member of the House.

On April 16, 1946, Mr. Kopplemann of Connecticut said that a committee making an investigation was engaging in "*unlawful prying*." Speaker Rayburn held these words to be out of order.

On May 14, 1946, Mr. McKenzie of Louisiana said that another Member "is trying to *undermine this government*." Speaker Rayburn held this to be unparliamentary.

On May 16, 1946, Mr. Klein of New York said that another Member, "took the floor and in his *self-appointed* role as spokesman for the committee referred to me in my absence in a *disgraceful and unparliamentary* manner." Speaker Rayburn held this to be unparliamentary.

On May 17, 1946, Mr. Rankin of Mississippi said, "This Committee is going after those *un-American* elements in this House or elsewhere who are attempting to *undermine* and *destroy* this Government." Inasmuch as no Member was mentioned, Speaker Rayburn ruled this statement to be in order.

On June 26, 1946, Mr. O'Toole of New York said, "*I cannot respect the actions or even the sincerity* of some the committee Members." Speaker Rayburn ruled the statement to be out of order.

On February 18, 1947, Rankin of Mississippi made a reference to a group as "Negroes." Speaker Martin held this statement to be in order.

On April 22 1947, Marcantonio, during a debate on whether the Speaker should certify a report of the House Committee on Un-American Activities on the refusal of Eugene Dennis to appear before the Committee, demanded Rankin's words be taken down.

The words were: "Here is the Supreme Court, to which the gentleman from New York should refer, and that is William Z. Foster, head of the *Communist Party*."

The Speaker said, "The Chair cannot see that that is any reflection upon the gentleman from New York."

On May 22, 1947, Rankin said, "I know of no man who has done the *Jews* of this country *more harm* than the gentleman from New York, Mr. Celler." Speaker Martin held the statement to be in order, as it was merely an expression of opinion of the Member making the statement rather than reflecting in an unparliamentary manner upon the Member from New York.

In June of 1947, Rankin became embroiled in another controversy when he demanded that the words of Chester Holifield, a Democrat from California, be taken down. This case is interesting because it shows the difference between the parliamentary criticism of a Committee, mentioned before, and an unparliamentary attack. These words were "*the un-American Committee*," used to describe the House Committee on Un-American Activities.

The Speaker held this description to be unparliamentary, saying "The Chair holds that the motives of the committee have been impugned by calling it the 'Un-American Committee.'" The House then agreed to a motion striking the words from the Record.

Four days later, the same two characters assumed the same roles with almost the same kind of language. Rankin again demanded that Holifield's words be taken down.

These words were: "We completely *repudiate the lies and half truths of the report* that was issued and consider it *un-American*."

The Speaker held these words to be unparliamentary, saying: "Those words reflect upon the character and integrity of the membership of a committee and, the Chair feels, are unparliamentary."

After defeating an earlier motion, offered by Marcantonio, to lay the motion to strike on the table, the House agreed to strike the words from the Record.

On November 24, 1947, Marcantonio again objected to Rankin's words. This decision was more difficult for the Speaker, because Rankin's statement seemed to stretch the limits of parliamentary speech.

Rankin stated:

It has been amazing to hear these Members rise on the Floor of the House and give *aid and comfort* to those enemies, *those traitors* within our gates, for every *Communist* in America is a traitor to the Government of the United States and is dedicated to its overthrow.

The Speaker ruled the words parliamentary, but acknowledged that it was a close call:

The Chair realizes that this is one of those very close questions that can be interpreted either way. The Chair believes that this does not reflect upon the individual Members personally. The Chair, therefore, does not feel that the words are out of order. The gentleman will proceed in order.

1948 continued this trend of contention, and many of the players remained the same. For instance, on January 15, 1948, Rankin demanded that the words of Emmanuel Celler, a Democrat from New York, be taken down. The words were: "That is a *damnable* statement to make."

The Speaker, in ruling against Rankin, said:

The Chair is not too conversant with the word "damnable" but does not find that it is banned in the rules of parliamentary procedure. The Chair thinks it is a rather harsh word. The Chair hopes that the Members will not take this as a precedent for using the word on too many occasions.

Rankin tried, and failed again, on February 25, 1948, when he demanded that Keefe's words be taken down. Keefe had stated:

And that statement of the gentleman from Mississippi is just as wrong as many of the other *inflammatory* statements which he makes on the Floor of this House in an attempt to *stir*

up race prejudice that ought to be subdued rather than stirred up.

The Speaker ruled against the request of Rankin and said:

The Chair believes that the gentleman from Wisconsin has merely stated his opinion and did not reflect upon the character or integrity of the gentleman from Mississippi. Apparently a difference of opinion exists between the two gentlemen, but the Chair believes that the statement is not unparliamentary.

Two weeks later, on March 9, 1948, Rankin was again engaged in the words taken down procedure when he demanded that certain words of Adam Clayton Powell a Democrat from New York, be taken down.

The words, as read by Clerk, were: "When this Committee investigates the recent wave of *police lynch murder* in Mississippi in the area of Jackson, the capital__."

The Speaker ruled the words to be parliamentary, and said: "The Chair holds that the words are not unparliamentary. The gentleman from New York is merely expressing his own opinion."

Later that month, on March 25, 1948, words uttered by Mr. Cox, a Democrat from Georgia, were objected to.

The words were:

Mr. Chairman, how long, I wonder, must Members of this body sit here and hear assaulted from day to day the Government we love, and by people who would rip from the wall that symbol of liberty that hangs above the Speaker's rostrum, and who would run down the flag of the Stars and Strips that proudly floats above this Capitol and run up in its stead the flag of the *hammer and sickle*.

The Speaker ruled the words to be in order. In his ruling he stated, "There is nothing in the words uttered by the gentleman from Georgia that reflects on any particular individual Member of the

House. In a debate of this kind, of course, more or less latitude must be allowed. Therefore, the Chair rules that there is nothing unparliamentary in the gentlemen's remarks."

On May 19, 1948, Mr. Eberharter of Pennsylvania referred directly to the action of the Senate, which was ruled out of order.

On June 4, 1948, words of Clarence Cannon, a Democrat from Missouri, were objected to. These words were: "You will think when you review the *Soviet Press* that the Committee of this House was an agency of the U.S.S.R."

The Speaker ruled that the words were parliamentary. "The Chair is of the opinion that the words used indicate criticism of the House but do not reflect upon the integrity of any Member of the House; therefore the Chair does not believe the words used are unparliamentary."

This ruling could have gone the other way, as with the earlier ruling in the case of the "Un-American Committee."

A month and a half later, Rankin finally succeeded in getting someone's words taken down. Abraham Multer, a Democrat from New York had said: "It saved my ears from the ___*unfair attack* upon the decent, progressive, and thoroughly American people of this country made that day by the Representative from Mississippi."

The Speaker agreed with Rankin that the words, including words stricken above, were unparliamentary:

The Chair will state that this one of those border-line cases which would be as well unsaid. The Chair wants to say that of late personalities have been more or less indulged in the House, which he regrets very much, because this does not make for the dignity of this great body. In the few days ahead there is a possibility there may be a great deal of political recriminations, and we must be unusually careful in our language.

In this particular instance, the Chair thinks the use of the word "*offense*" is a reflection upon the gentleman from Mississippi, and he request that the gentleman from New York

ask unanimous consent that the words be stricken from his remarks."

As the Cold War heated up, and as charges of Communist-influence increased, the rhetoric on Capitol Hill similarly became hotter. 1949 continued this trend.

On January 17, 1949, Mr. Holifield of California said, "The gentleman from California has been the victim of the *abusive, vicious and irresponsible* use of the power of a Congressional committee." Speaker Rayburn ruled that the statement was in order, and that a Member may, in debate, criticize the action of a committee of the House.

On March 16, John McCormack, a Democrat from Massachusetts, said :

Mr. Chairman, I have been sitting here for years listening to that same speech before Pearl Harbor and I am hearing it now. I have just reached the end of my endurance. Before Pearl Harbor the gentleman was *opposed to every bill necessary for the defense of our country*.

Those words were objected to, and taken down. The Speaker, however, ruled them to be in order. In doing so, he said:

The present occupant of the chair has had questions of this kind arise on many, many occasions. They are always to be regretted; but this occupant of the chair has always been in favor of a wide range of discussion, and debate, and expression of opinion.

The Chair would think that objection was made to this language: "Before Pearl Harbor the gentleman was opposed to every bill necessary for the defence of our country."

The Chair interprets that not as a statement of fact, but as the opinion of the gentleman from Massachusetts as was expressed in debate. The Chair would therefore hold that the language, expressing an opinion in debate and not stating a fact, was not a violation of the Rules of the House.

On May 11, John Rankin was at it again, when he demanded that Manny Celler's words be taken down.

Celler had said: "Mr. Speaker, I cannot let the occasion go by without commenting on the *canard* that the gentleman from Mississippi was guilty of when he called the Anti-Defamation League subversive."

The Speaker ruled against Celler, stating:

The Chair desire to make a statement. There are too many "left-handed" compliments being passed around this House all the time on both sides.

The word "canard" to me conveys the idea that a man has told a falsehood. Therefore, if anybody desires to move to strike it from the Record--without objection, the words "canard" will be stricken from the Record.

On September 21, 1949, Speaker Rayburn ruled that it was not a violation of the rules of debate to use the word "*Negro*" or to refer to the "*Negro Race*."

Despite the revolutionary events that greeted the year 1950, it was a relatively quiet year for debate on the Hill. Anthony Cavalcante, a Democrat from Pennsylvania, had his words taken down on February 6.

These words were:

Mr. Speaker, the friends of the Taft-Hartley law show the nature of their mind by their constant opposition to all congressional efforts to pass laws that will protect labor against the predatory traits of their masters. This nature is seen in their *blind opposition* to the repeal of any part of that infamous law; in their *slavish opposition* to the passage of a more adequate and just social security law; in their *shameful opposition* to a Federal national health program; and in their *illogical opposition* to put teeth in the coal mine inspection law.

The blood of 534 miners who in 1949 went down to the coal mines and never came back alive__."

The Speaker ruled, though, that Cavalcante's words were in order. "The Chair does not see anything in that except an argument for the repeal or amendment of a law."

Later that year, on April 21, an obviously touchy Frank Keefe demanded that the words of John Rooney, a Democrat from New York, be taken down.

Unbelievably, these words were, "May I point out if the distinguished gentleman, the *big district attorney from Oshkosh* (Keefe), has information such as he..."

The Speaker, with great hesitation and reluctance, agreed with Keefe's request.

The Chair would say a great many things about these words, and might wonder why they were uttered, and might wonder why they were objected to, but the Chair must hold that those words could be interpreted as indulging in personalities which are not in accordance with the Rules of the House.

With the new Republican Majority, the Speaker was more strict in his interpretations of words taken down in 1951. This was exemplified on July 18, 1951, when Clare Eugene Hoffman, a Republican from Michigan, demanded that words uttered by William Joseph Green, a Democrat from Pennsylvania, be taken down. Hoffman had stated: "Sometimes I wonder, when they take this obstinate position against labor and do everything they can to hurt organized labor, whether *they are blind or they just do not give a damn.*"

The Speaker ruled that the words were unparliamentary, and said: "The Chair is bound to hold that the using words like those just used by the gentleman from Pennsylvania or any other words bordering on profanity is a violation of the rules of the House."

A week later, on July 26, Joseph Martin demanded John Rooney's words be taken down. Rooney had stated:

So that the gentleman from Michigan thoroughly understands what I am saying, I repeat: Where I come from great faith is put on a man's ability to stand up and fight for what he believes and what he thinks is best for the country. The people of my district do not like *slippery, snide, and sharp practices*.

They believe that the way to handle the situation is to work up to it and face it squarely, unashamedly, and straightforwardly, and not *peek through key-holes, hide behind doors, and tremble at the first sign of opposition* as you did yesterday at your Republican conference.

If you want to get Acheson out of office do it the honest way, do it the way the House prescribes, do it with your head held high; *do not grovel in the slum of irresponsible flouting of the law*.

Impeachment is the proper course if you feel the present Secretary of State unfit for the office he holds. By *this devious attempt* to cut off the salary of the Secretary of State by a new and snide version of the bill of attainder method, the gentlemen are saying nothing less than *lynching is proper means* of justice. We must, they are saying, take justice in our own hands, for the American system is inadequate.

The Speaker held the words taken down to be unparliamentary. In his decision, he stated:

The Chair in every instance of this kind has been most liberal with Members who uttered the words objected to, because he has always thought that great liberality must be indulged in so that we may have free and full debate. On very few occasions has the present occupant of the chair held that remarks were a violation of the Rules of the House.

The Chair can hardly agree, however, that the words, applied to the meeting of the Republicans in caucus yesterday, were quite proper, and, further than that, he doubts very seriously if referring to legislative actions of those who are movers of legislative actions should be using the methods mentioned. The Chair thinks the words are a violation of the Rules of the House.

Later that year, on August 17, John Rooney's words were objected to. He had stated "One further thought that I have, Mr. Chairman, we must with this debate and with the utterances of these *apostles of doom be giving great aid and comfort to the Politburo.*"

The Speaker ruled the words to be unparliamentary, and said:

The Chair desires to state, as he did on a previous occasion, these are all close and bothersome questions. If we were to hew to a certain line too closely, it would, in the opinion of the Chair, prevent full debate on many questions. However, there is a line of demarcation beyond which debate would be too free...

This Chair thinks the gentleman from New York could have conveyed his meaning in words other than those, and upon this occasion the Chair is bound to hold, and the Chair trusts there will be no demonstration of any kind when the decision of the Chair is made this is not that kind of a question, the Chair does think that these words in all probability cross that thin line demarcation, and therefore, must hold that they are a violation of the rules of the House.

On September 25 of that year, Howard Buffet, a Republican from Nebraska, demanded that certain words of Wayne Hays, and a Democrat from that same state, be taken down.

These offending words were:

I do not want you to stand up here and try to *becloud* the issue. What you are trying to do is to make out that we are helping our enemies when the very purpose of this act is to encourage our friends and to make them strong so that we can combat the people that we may have to fight against.

The Speaker ruled that these were parliamentary and said, "The Chair does not see anything in those words that should be offensive to anybody."

About two years later, April 23, 1953, Hoffman was again accused of using unparliamentary language, this time by Herver Eberharter, a Democrat from Pennsylvania.

The words of Hoffman were, "No, no; you are from Pennsylvania, but you do not represent the hard-working Dutch people up there--not by a long shot. *You live in the city where you want everything brought to you.*"

The Speaker agreed with common wisdom when he ruled against the point of order. "The Chair rules that the words used by the gentleman from Michigan do not indicate any intent to reflect upon the character or integrity of the gentleman from Pennsylvania, and are not objectionable under the rule."

On March 31, 1954, almost one year later, Ralph Gwinn uttered words that were objected to and taken down. These words were: "We have had 20 years experience now of America's first, much-touted, great, *Socialist Communist experiment*. We ought to have learned something."

The Speaker ruled the words to be parliamentary, and said: "The Chair sees nothing in the language used that would reflect upon membership of the House or otherwise be considered unparliamentary."

Three years after that event on March 27, 1957, the words of Bernice Sisk, a Democrat from California were objected to and taken down. Sisk had said, "I could not help but admire him for his courage and for his devotion to the American people to get up here time after time after time to defend the Administration's budget against *irresponsible* actions by Members of the President's own party."

The Speaker ruled the words to be parliamentary and said:

The Chair cannot see in those words any reflection on the character of any gentleman of the House. The Chair also fears that if it should get to the point where one could not criticize somebody's action or vote that it would be pretty hard to carry on debate in the House. The Chair holds that the words are not a violation of the Rules of the House.

Less than one year after that, on June 24, 1958, Oren Harris, a Democrat from Arkansas, demanded that Thomas Curtis's words be taken down. Curtis, a Republican from Missouri, had said:

There is no question but that this procedure is the very thing that the House sought to forbid in Rule XI, paragraph 25M and O. Indeed, the purpose of the tactics of the subcommittee on this record demonstrate that its *real purpose* was to use the forum for the subcommittee to *defame and degrade* a person.

The Speaker ruled the words to be unparliamentary, and said:

The Chair thinks it is very clear that this is a reflection on a committee of the House of a very serious type and, therefore, hold that the language is not parliamentary..."

There is a long line of decision holding that attention cannot be called on the Floor of the House to proceeding in committees without action by the Committees.

On March 24, 1961, Neil Smith uttered words that were objected to. The Democrat from Iowa had said:

I want to mention something about the Goldwater-Ayres bill or the Ayres-Kitchin bill or the Ayres bill. Some people call it the *Goldwater-Ayres bill because it is an example of exempting multimillion-dollar stores in Arizona.*

The Speaker ruled that the above words were unparliamentary. In his ruling, he said: "The Chair thinks that a reference to a Member of the other body by name is a violation of the rules of the House, and so holds." The words were then stricken from the Record, and Smith was allowed to proceed.

A year later, John Dingell, a Democrat from Michigan, was required to subside while his words were taken down. He had said: "This is an example of the *spurious reasoning* that the AMA has with regards to their opposition to this bill."

The Speaker ruled the words to be parliamentary:

On a matter of this kind of question before the Chair is limited strictly to whether or not the words taken down violate the rules of the House of Representatives. On reading the words taken down, the Chair is of the opinion that there was no violation of the rules.

A month later, Harold Gross demanded that certain words uttered by Hays be taken down. Hays had said, "I say you have your definition of consistency. My definition is that *consistency is a virtue of small minds.*"

The Speaker ruled the words to be parliamentary. In his ruling he said: "In the opinion of the Chair, both Members were talking about a definition and each definition might apply to others outside the House. The Chair sees nothing about the words taken down that impugns the motives of any Member."

Over a year later, on August 1, 1963, Jim Wright, a Democrat from Texas and later Speaker of the House, uttered words that were objected to. He had said, "For his honor to be attacked on the Floor of this House in such an *intemperate* way must not go unanswered."

The Speaker ruled the words to be parliamentary. He said in his ruling: "The Chair feels that in debate latitude should be given to Members of House in expressing their view; and the Chair would construe the word 'intemperate' might be used just the word 'improper' might be used."

Later that year, though, Edgar Foreman's words were held to be unparliamentary. On October 31, 1963, Foreman said: "I have only referred to one Member of this body as a 'pinko.' On Friday, October 18, 1963, during a speech in San Jose, California, I referred to the gentleman from California, Mr. Don-Edwards, as Don '*Pinko*' Edwards."

When John Rooney objected, the Speaker agreed. In his ruling, he said, "In the opinion of the Chair, to characterize any Member of the House as a 'pinko' is in violation of the rules."

The next session, on January 21, 1964, Peter Frelinghuysen uttered words that were objected to. "It seems to me the gentleman

from New York has *already admitted his amendment does not make sense*, and he will take any alternative that is offered."

The Speaker ruled these words to be within the bounds of parliamentary language. "The Chair, of course, views debate from a broad angle, particularly when engaged in extemporaneously. The Chair sees nothing about these words that violates or contravenes the rules of the House."

Later that year, on June 10, 1964, Wilbur Hays uttered words that were objected to and taken down. "You would not have any more reason for criticizing the Administration than you would for *shoving* the Vice President around in Dallas."

The Speaker ruled that words in order. "The Chair sees nothing objectionable or in violation of the rules of the the House in the language used. It is a matter of opinion of the gentleman from Ohio. The Chair does not see that the remarks made by him constitute a violation of the rules.

A year later, on March 26, 1965, Frank Thompson, a Democrat from New Jersey, also had words objected to and taken down. "I might suggest further you can *beat this dog* all you want for political purposes; you can *demagogue* however subtly and try to scare people off at the expense of the Nation's schoolchildren with your *demagoguery*..."

The Speaker ruled the words to be parliamentary, and said:

The Chair feels that Members in debate have reasonable flexibility in expressing their thoughts.

The Chair sees nothing about the words that contravene the Rules of the House. The point of order is not sustained.

And on July 27, 1965, Neal Smith demanded that the words of Charles Goodell, a Republican from New York. Goodell had said:

I would be very interested on this particular issue if we are going to have a *repeat of the exhibition* on the housing vote with the gentlemen withholding votes and seeing how they are

necessary on the issues that comes before us. I hope that this will not be repeated.

The Speaker declared the statement to be within the bounds of parliamentary debate.

"The Chair will state that in debate the question of impugning the motives or attacking the vote of a Member is one thing; but looking at it from a broad angle, the remarks made by the gentleman from New York seem to come within the purview of the rules."

The Chair does not consider this to be a reflection, if the gentleman was making any reflection, upon any Member of the House or upon any State of the Union, particularly the State of Iowa.

Smith then said: "Mr. Speaker, I demand the sentence following that be taken down. That was the sentence objected to. He said we did not vote on the merits."

The Speaker ruled: "The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole."

On August 14, 1967, William Ryan, a Democrat from New York, demanded that words uttered by Felix Hebert, a Democrat from Louisiana, be taken down.

Hebert had said: "His conclusion have already been reached. They are *prejudicial and bigoted*."

The Speaker ruled the words to be out of order. In his ruling he said: "The Chair is of the opinion that the particular use of the word 'bigoted' is not consistent with the rules of the House."

Hebert was then recognized for the remainder of his 1 minute speech, and the words objected to were stricken from the Record.

On November 10, 1971, John Dent, a Democrat from Pennsylvania, uttered words that were objected to and taken down.

Dent had said: "The *second lie* which is deliberate, in my opinion, and ought not to be brought back time and time again into this controversy, is that there is no such thing__"

The Speaker ruled the words to be in order, but first asked Dent, "Does the gentleman state again that he was not referring to a Member of the House?"

Dent replied, "Yes, if I said it, it would have been in the Record."

The Speaker then said, "Then the Chair will state that the gentleman's words are not unparliamentary, and the Committee will resume its sitting."

On December 12, 1973, certain words of Bella Abzug, a Democrat from New York, were objected to and taken down.

Abzug had said: "An amendment like this can only be demagogic or racist because it is only *demagoguery or racism* which impels such an amendment like this."

The Speaker ruled these words to be out of order.

On May 4, 1943, the first session of the 78 Congress, at pages 3915 and 3916 of the Congressional Record, Speaker Rayburn held: "Statement by Newsome of Minnesota that 'I do not yield to any more demagogues,' held not in order." It is the opinion of the Chair that the statements reported to the House are within the framework of this ruling, and without objection the words are therefore stricken from the Record.

On August 21, 1974, Robert Bauman, a Republican from Maryland, demanded that words of Thomas O'Neil, a Democrat from Massachusetts, be taken down.

O'Neil had said:

Yesterday, by mutual consent of the leadership on both side of the aisle and by the members of the Judiciary Committee, I offered to this House a resolution. Mr. Speaker, I asked that all Members may have 5 legislative days in which to extend their

remarks and it was objected to, Mr. Speaker, by the gentleman from Maryland. He gave a reason at the particular time.

I told him that I thought he should have cleared it with the leadership on his own side of the aisle; but nevertheless, Mr. Speaker, when all the members had left last night, the gentleman came to the well and asked unanimous consent of the then Speaker of the House who was sitting there, if he may insert his remarks in the Record, with unanimous consent, following the remarks where he had objected. So Mr. Speaker, in today's record on page H-8724 you will find the remarks of Mr. Bauman. You will not find the remarks of Mr. McClory, one of the people who had asked me to do this. You will not find the remarks of other Members of the Judiciary, who were prepared at that time to put their remarks in the Record; but you will find the remarks of Mr. Bauman and Mr. Bauman alone.

I just want to say that I think in my opinion it was a *cheap, sneaky, sly way to operate.*

The Speaker ruled the last sentence to be unparliamentary, and those words were stricken from the Record.

On June 12, 1979, Henry Gonzalez, a Democrat from Texas, uttered words that were objected to and taken down.

Gonzalez had said:

Mr. Chairman, I expected resistance to this amendment and not necessarily my getting involved. I am not a member of this Committee. But this amendment is probably the most serious in a detrimental to the main purposes of equal opportunity of education to the most needed segments of our society that has been presented thus far and probably could ever be presented. The *insidiousness* of the amendment is compounded by the sponsor's *deceptive* -- I should say *hypocritical* -- presentation of this amendment, disguising it as a quota prohibition.

The Speaker ruled the words out of order. In his ruling, he said:

The Chair, having read the references concerning deception and hypocrisy, will say there have been previous opinions by the Chair that there is nothing wrong with using the

word "deceptive," or the word "hypocritical," in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment, that is not in order.

Consequently, the words in the last sentence read by the Clerk are unparliamentary and without objection, the offensive words are stricken from the Record.

Later that month, Bauman again demanded that words be taken down. This time, the offender was Marc Marks, a fellow Republican from Pennsylvania.

Marks had said: "Mr. Speaker, may I add that to use, as one of my colleagues used Lincoln's name to promote this amendment seems to me to be the height of *hypocrisy*."

The Speaker ruled the words to be unparliamentary, and they were stricken from the Record.

On February 13, 1980, Bauman was again involved in a controversy. This time he demanded that certain words of a gentleman from Missouri be taken down.

That gentleman had said:

The gentleman from Missouri would like to reply to that. The gentleman from Missouri has not felt more strongly about a matter in a very long time than he does about this, and that is the reason that he took the unusual approach that he has taken of accepting at least a draft presumably developed by the Minority Leader. The gentleman from Missouri obviously has no difficulty with the content of the resolution and feels that he could in honor offer it.

The gentleman from Missouri has a very, very strong feeling about the timing of the offering of the proposal by the minority, and the gentleman from Missouri has carefully differentiated between what he has said earlier about the Minority Leader and what he has said about the minority. I fear me, and I do not suspect the gentleman from Arizona having this view. I fear that there is some *motivation* other than fully objective concern for the House in the timing of the resolution,

not in the content, and this is the reason that the gentleman from Missouri took the unusual course of offering the minority's proposition. He feels that it is appropriate for the House, through the Rules Committee, initially, to look into the matter, but he thinks it might be done with *greater dignity* and, one might say, with greater *honor*, if it were not done at this particular time of confusion. Therefore, the gentleman from Missouri is happy to yield 5 minutes for debate to the gentleman from Arizona, the distinguished Minority Leader.

The Speaker ruled the words to be parliamentary, and said:

The gentleman from Missouri has referred in his remarks that he feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, and he thinks it might be done with greater dignity and, one might say, with greater honor, if done by the Committee or considered at another time.

The Chair, in its opinion, feels that he has not transgressed on the honor or dignity of the Minority Party or the Minority Leader, and the point of order is not well taken.

On April 12, 1984, Henry Hyde, a Republican from Illinois, demanded that Tom Harkin's (a Democrat from Iowa) words be taken down.

Harkin had said: "And the Members that are taking the Floor tonight to argue against this resolution are the same Members in 1978 and early 1979 who rise time and again to tell us how great Somoza was and to tell us how we had to keep *arming and supporting General Somoza in Nicaragua*."

The Speaker ruled the words to be parliamentary, and said: "In the opinion of the Chair, the words do not apply to any specific Member and consequently there has been no infraction of the Rules of the House by the gentleman from Iowa."

A month later, on May 15, 1984, Trent Lott, a Republican from Mississippi, demanded that certain words of Thomas P. "Tip" O'Neil, a Democrat from Massachusetts, be taken down.

O'Neil had heard Newt Gingrich doing a Special Order on the Floor of the House, had become enraged, came to the Floor, and said, "My personal opinion is this: you deliberately stood in that well before an empty House and challenged these people and you challenged their Americanism and it is the *lowest thing* that I have ever seen in my 32 years in Congress."

The Speaker pro tempore, Joseph Moakley of Massachusetts, ruled the words to be unparliamentary, and said: "The Chair feels that that type of characterization should not be used in debate."

A year later, on February 27, 1985, Bob McEwen's words were demanded to be taken down. McEwen had said: "I think the Members should be allowed to express themselves during special orders without this kind of *unfair stealing* time."

The Speaker ruled the words to be parliamentary, and said: "The Chair thinks in the connotation that the words were used, there is no allegation of illegality. The words are parliamentary, in the opinion of the Chair."

Less than a month later, Vin Weber, a Republican from Minnesota, demanded that words of Harry Reid, a Democrat from Nevada, be taken down.

Reid had said:

One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of *both sides of his mouth*.

The Speaker ruled the words to be out of order. In his ruling he said: "The Chair would announce that it is not proper to impugn the motives of another Member. We have precedents here in the House. Mr. Knutson of Minnesota: 'I cannot believe that the gentleman from Mississippi is sincere in what he has just said.' And that was held not in order on November 2, 1942."

On September 24, 1992, the Speaker of the House made an announcement regarding the rules of parliamentary language.

He said:

The Chair will not diminish current protections against references to the President or the Vice President of the United States in debate, or to U.S. Senators, who, by long tradition of the House, are recognized as deserving comity and respect.

The Chair understands that under the precedents and practices of the House that a great degree of latitude does exist with respect to references to nominated candidates for President and Vice President of the United States who are not incumbents or Members of the Congress. However, the Chair believes that in order to maintain decorum in the House, certain minimal standards of propriety in debate should apply to all nominated candidates for President and Vice President of the United States, and that the record and character of such candidates may be properly debated without references which constitute a breach of decorum, and the Chair advises all Members that future references to nominated candidates for President and Vice President of the United States may be subject to admonishment and restriction by the Chair if the Chair believes that such decorum has been violated.

To do otherwise would create a distinct discrimination between candidates of two parties when candidates on one side are incumbents, such as President and Vice Presidents, or are Members of Congress, and other candidates do not hold such traditional protection in debates. The Chair hopes it will have the cooperation and sensitive regard of all Members with respect to such debate.

There are many more examples of words taken down. Here is a brief listing of other examples that have occurred in the last 15 years:

On June 2, 1980, one member accused another of being "duped." The words were withdrawn by unanimous consent.

On August 20, 1980, one member referred to a Senator, which the Speaker ruled to be out of order.

On December 8, 1982, one member said of another that the member "put on a Mao hat." The demand to take down the words was withdrawn.

On May 5, 1983, one member said there was an effort to "browbeat." The Speaker ruled the word in order, as it was not a personal reference.

On July 7, 1983, one member decried an effort to "assassinate character." The Speaker ruled the words in order, as it did not impugn motives.

On October 2, 1984, one member called legislation a "gimmick." The words were withdrawn by unanimous consent.

On April 23, 1985, one member used the word "demagoguery." The demand to have the words taken down was withdrawn.

On June 19, 1985, one member used the phrase "dripping bile." The words were withdrawn by reciprocal agreement.

On March 18, 1986, one member used the phrase "questions judgement." The demand to have the words taken down was withdrawn.

On June 18, 1986, one member used the term "manipulative." The demand to have the words taken down was withdrawn.

On August 8, 1986, one member said, "Sister Boom-Boom wing." The point of order was not pressed.

On August 12, 1986, one member uttered the word hypocrisy. The demand to have words taken down was preempted by the Chair.

On June 18, 1987, one member equated McCarthyism and McCollomism. The words were withdrawn by unanimous consent.

That same day, another member uttered, "lack of good faith." The member, by unanimous consent, withdrew any personal implication.

On April 19, 1988, a member uttered the word "duplicity." The Speaker said it was not a personal reference.

On September 19, 1988, a member uttered the word "hypocrisy." The Speaker ruled the words out of order.

On July 12, 1989, a member said "disingenuous." The words were withdrawn by unanimous consent.

On September 18, 1989, a member said "a bald-faced lie." The words were withdrawn by unanimous consent.

On May 3, 1990, one member accused another of "going back on his word." The words were withdrawn by unanimous consent.

On May 5, 1990, a member said something was "intellectually dishonest." The Speaker ruled the words out of order.

On June 20, 1990, a member uttered the words, "kowtowing to [commie ilk]." The Speaker ruled the words out of order.

On September 18, 1990, a member said "would zero out [SDI]." The demand to have the words taken down was withdrawn.

On September 28, 1990, a member uttered the words, "coke-snorting left." The demand was withdrawn.

On October 12, 1990, a member uttered the words, "the Congress Money can buy." The words were withdrawn by unanimous consent.

On that same day, a member uttered the words, "political prostitutes." Those words were also withdrawn.

On July 25, 1990, a member said, "stupidest amendment." The words were withdrawn by unanimous consent.

On September, 25, 1991 and on November 11, 1991, members uttered the word "hypocrisy." The words were withdrawn by unanimous consent.

On February 5, 1992, one member uttered the word, "slander." The word was withdrawn by unanimous consent."

On the same day, another member said, "tampering with justice." The words were ruled in order, as they were deemed not pejorative, per se.

On April 9, 1992, a member said "when you tell the truth." The demand to have the words taken down was withdrawn.

On May 7, 1992, a member uttered the phrase, "fraternity of ill-repute." The Speaker ruled that the demand to have the words taken down had come too late.

On June 9, 1992, a member used the phrase, "petty political gain." The Speaker ruled the words to be in order. However, when the phrase "personal political gain" was uttered, the word "personal" was withdrawn by unanimous consent.

On July 9, 1992, a member said "downhill slide of a Senate Committee." The words were ruled out of order.

On July 22, 1992, a member accused the President of not telling the truth. The words were withdrawn by unanimous consent.

On September 16, 1992, a member said the word, "dishonest." The words were withdrawn by unanimous consent.

On September 24, 1992, a member uttered the word, "lying." The words were withdrawn by unanimous consent.

On September 25, 1992, a member uttered the word, "hypocrisy." The words were withdrawn by unanimous consent.

The above examples give a wide selection of the kinds of situations that provoke Members from starting the words taken down procedure.

As the examples show, the words in themselves do not matter as much as the inferences and the focus of the words. Throughout the years, the various Speakers have tried to rule on the side of allowing as much free debate as possible. Otherwise, in the words of one Speaker, free debate would stop. Still, in order to maintain civility in the proceedings, the Chair has called many to order for their language, and will continue to do so when Members slander or impugn the motives of other Members of Congress.

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